

CF 2007

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 3616 /2003

1) Coal Mines Officers Association of India

SECL Hqrs Branch,

(Through : Shri P.K. Singh,

Jt. Secy General, (APEX)

PETITIONER No.1

SECL, HQ, Seepat Road, Bilaspur (CG)

2) P.K. Singh,

s/o Shri Jagdish Narayan Singh

Sr. Accounts Officer,

South Eastern Coalfields Limited,

Seepat Road,

Bilaspur

PETITIONER No.2

Versus

Union of India,

(Through : Secy, Ministry of Law)

New Delhi

RESPONDENT No.1

2) Election Commission of India,

(Through : Chief Election Commissioner)

Niryachan Sadan,

New Delhi

RESPONDENT No.2

3) Chief Electoral Officer,

Chhattisgarh,

Raipur

RESPONDENT No.3

4) Chief Electoral Officer,

State of Madhya Pradesh,

Bhopal

RESPONDENT No.4

5) District Election Officer,

Bilaspur

RESPONDENT No.5

6) South Eastern Coalfields Limited,

(Through: Chairman-cum-Managing Director)

Seepat Road,

Bilaspur (CG)

RESPONDENT No.6

Writ Petition under 226 of the Constitution of India.

29.10.03
U.S. MUKHERJEE

P. R. No. 3358/03
Presented by Shri U.S. Mukherjee
dated 29.10.03

CF 2003

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(Through : Secy, Ministry of Law)

New Delhi

RESPONDENT No.1

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3) Chief Electoral Officer,

7). District Election Officer

Surguja

RESPONDENT NO.7

8). District Election Officer

Korba

RESPONDENT NO.8

9). District Election Officer

Raigarh

RESPONDENT NO.9

10). Tahsildar/Assistant Election

Officer, Surajpur, Distt.

Surguja.

RESPONDENT No.10

Writ Petition under 226 of the Constitution of India.

P. R. No. 3358/03
Presented by Shri G. N. Mukhopadhyay
dated 29.10.03

29.10.03
V.V.S. Murthy

आदेश पत्रक

W.P. NO. 3616/2003
सन् 200

मामला क्रमांक

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>20/11/2003</u> Shri P. Diwakar, counsel for the petitioners. Shri Vinay Harit, Senior Central Government Standing Counsel for respondent no.1. Dr.N.K. Shukla, Additional Advocate General for the respondent no.5. Shri Dharendra Mishra, counsel for the respondent no.6. None present though the service has been effected on respondents no.2, 3, and 7 to 10. Heard. Petitioner/Association through its Joint Secretary General Mr. P.K. Singh has filed this writ petition under Article 226 of the Constitution of India that the petitioner no.1 is a Trade Union registered under the Trade Union Act and S.E.C.L. employees are mainly engaged in the Coal activities and they are running about 100 Coal Mines belonging to S.E.C.L. situated in different districts of Madhya Pradesh and Chhattisgarh. Petitioner is anticipating during that the ensuing Assembly Elections the executive may requisition the services of the officers of the petitioner/association to perform election duties and a representation (Annexure P/1) was made to the respondents no.3 and 4 that senior officers of the	

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	petitioner/association should not be posted to perform election duties under the junior officers as the petitioner/association officers are very senior officers and if those offices are posted under the junior officers that will be humiliating for the officers of the petitioner/association. Return has been filed on behalf of the respondent no.5 in which it has been mentioned that merely on the basis of apprehension the petition is not maintainable. It has further been mentioned that except the statutory posts Additional Returning Officer and Deputy Election Officers which are to be held by the Additional Collector and Deputy Collectors or other post for performing the election duties. The services of the officers of the petitioner/company may be utilized. However, while posting the officers of the petitioner/company on the election duties, due regard will be given to the seniority of the officers of the association. All care has been taken to place the officers in accordance with their pay scale. However, simply because of officers being in a Public Sector Undertaking and drawing more salary would not attain higher status. It is submitted that all precautions have been taken to place the officers in accordance with their pay scale.	

[पीछे देखिये]



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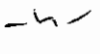
विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case and having regard to the return submitted by the respondent no.5 that while posting the officers of the Company due care has already been taken by the answering respondents that the officers drawing higher pay scale should not be posted under the officers who are drawing lower pay scales. In view of the above reply of the respondent no.5, I am of the opinion that the grievance and the apprehension of the petitioner/association has already been answered. It is, therefore, directed that the respondents/District Election Officers are directed that, in allotting the election duties to the various Government officers including the officers of the petitioner/association they should try to resolve the apprehension of the petitioner/association and will not create any situation whereby a senior officer may be worked under the junior officer as per their higher pay scales and shall give due regards to the status of officers of the petitioner/association. However, it is made clear that in case of any situation so warrants in which the respondents are left, with no alternative then the officers of the petitioner/association should try to adjust and they should not make an issue of out it because it is	

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	the duty of every one to ensure the smooth, fair and free elections and to maintain purity of the elections. This order will not apply for statutory posts. With the aforesaid observations, this writ petition stands disposed of. In view of the above, I do not find any force in the intervention application. Accordingly, the application is rejected. Certified copy as per rules.	Sd/- L.C. Bhadoo Judge

[पीछे देखिये]

1408/16